



US Army Corps
of Engineers®

Public Notice

Public Notice No. 06-09

Date: January 19, 2006

Nashville District

Application Nos. 200502232 and 200502428

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
P.O. Box 1070, Nashville, TN 37202-1070

JOINT PUBLIC NOTICE **US ARMY CORPS OF ENGINEERS** **AND** **STATE OF ALABAMA**

SUBJECT: Proposed Channel Relocation of Unnamed Tributary Mile 1.7, a tributary to Bakers Creek, a tributary to Tennessee River Mile 301.0L, in Trinity, Morgan County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, a **Section 401 Water Quality Certification** must be provided by the state of Alabama, Department of Environmental Management, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

FILE NO. 200502232 – APPLICANT: Morgan County Schools
571 Old Highway 24
Trinity, Alabama 35673

FILE NO. 200502428 – APPLICANT: Mr. Willard Hill
1000 County Road 578
Rogersville, Alabama 35652

LOCATION: Unnamed Tributary Mile 1.7, a tributary to Bakers Creek Mile 3.1L, a tributary to Tennessee River Mile 301.0, Left Bank, in Trinity, Morgan County, Alabama (Trinity Quad; lat 34-35-46.1400, lon 87-4-3.2520)

DESCRIPTION: The proposed work consists of the relocation of approximately 2,750' of an unnamed tributary at the subject location. The tributary is a small, intermittent stream, which dries up completely during the summer months. During normal flowing conditions, the existing channel is approximately 3' wide. It has been channelized and cleared of most vegetation in the past from agricultural uses. A new, open channel, approximately 3,062' long, would be constructed. This project would be divided into two projects for two separate applicants. The first phase would involve constructing a new channel, 1,950' long, for the Morgan County Schools. The new Morgan County Elementary School was constructed near the stream; therefore, not allowing any space for

a playground area. Therefore, this portion of the new channel would be relocated to allow a new soccer/playground area for the new elementary school. The second phase of the project would involve constructing a new channel, 1,112' long, for Mr. Willard Hill. Mr. Hill proposes to relocate the tributary for residential development adjacent to the new school. The project would be constructed at the same time to minimize the construction length of disturbance to the tributary. The new channel would be constructed with the same cross-section throughout the entire length. The new channel would consist of a 6' wide channel with 3:1 side slopes. Rock jetties would be constructed 100' apart and on alternating sides of the new channel to allow for a meandering pattern and riffle/pool complex. Both applicants have proposed to plant native oak tree species along both sides of the new channel. The trees would be planted at 60' spacing within a 50' buffer zone along both sides of the new channel. Morgan County Schools would plant trees along the east side of the new channel and Mr. Hill would plant trees along the west side of the new channel.

The construction method would involve constructing a new channel while leaving a plug section between the existing and the new channel. The new channel would be stabilized prior to excavating the plug section and diverting the stream flow through the new channel. The work would be performed during the summer months or periods when the channel was dry.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to

determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

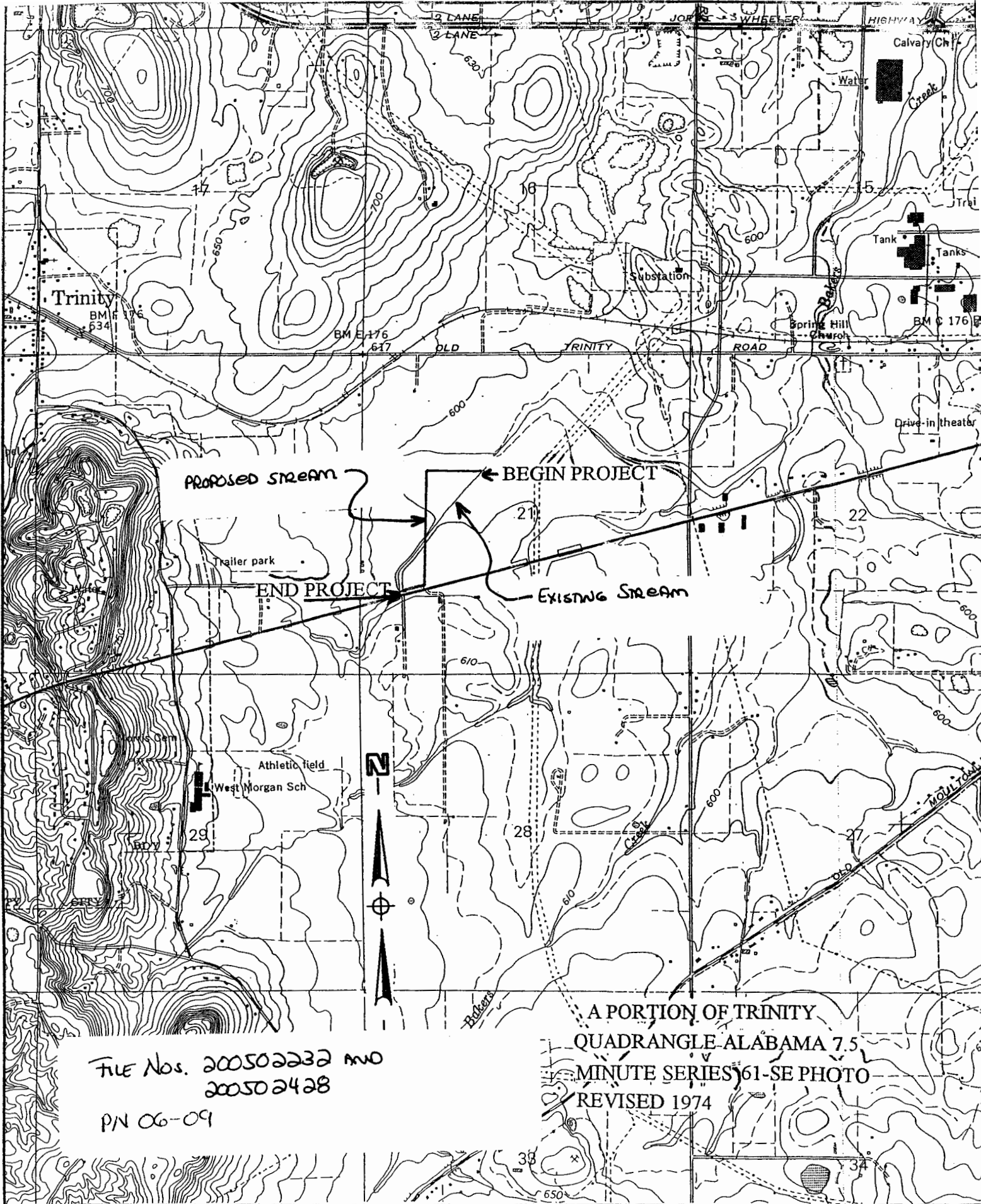
Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act.

The Tennessee Valley Authority (TVA) permit under 26a approval would **not** be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before February 21, 2006, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509 or email - amy.m.robinson@usace.army.mil.



FILE NOS. 200502232 AND
200502428
P/N 06-09

A PORTION OF TRINITY
QUADRANGLE ALABAMA 7.5
MINUTE SERIES 61-SE PHOTO
REVISED 1974

SCALE: 1" = 2000'

DRAWN BY: J.ROOKER

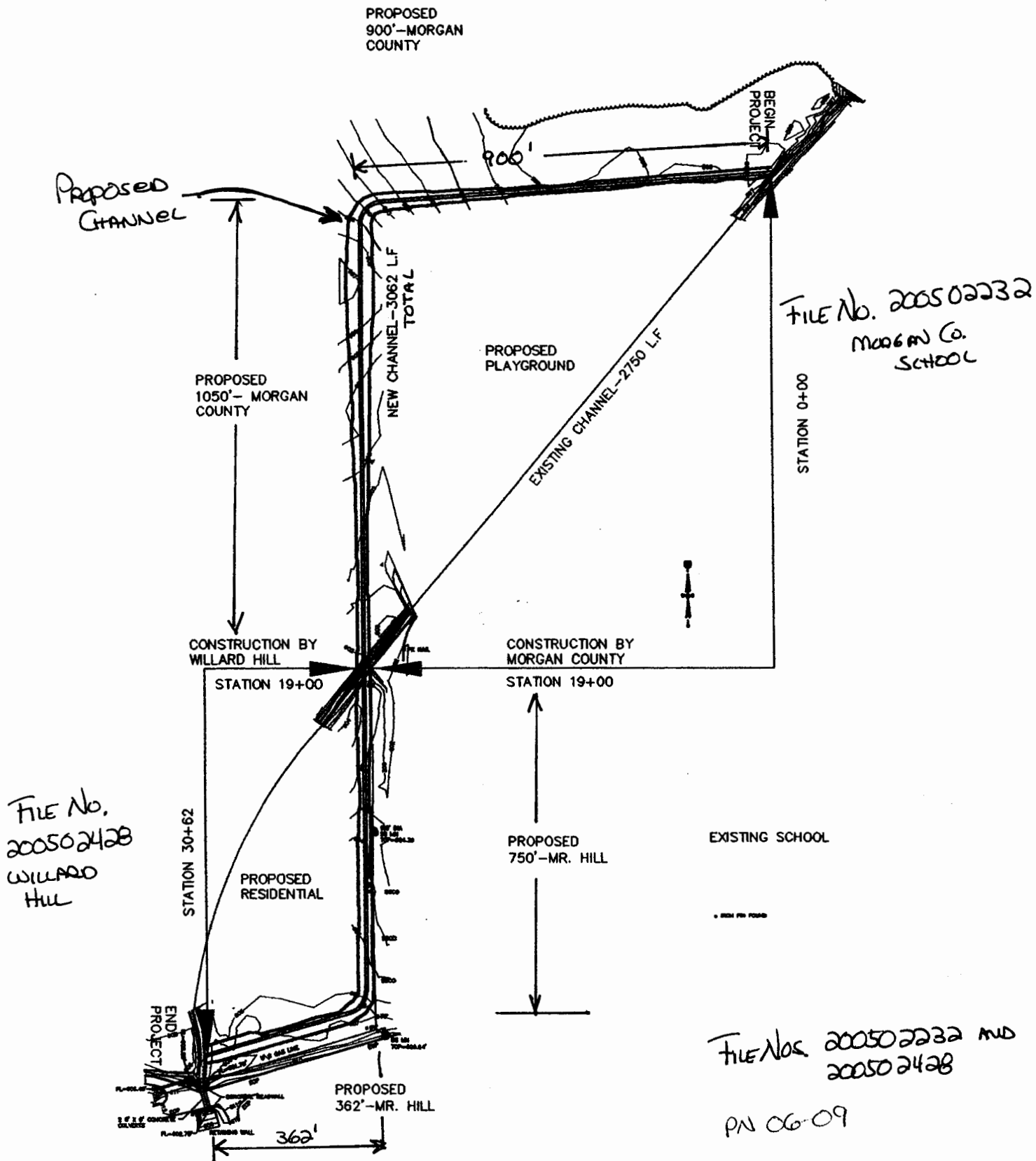
APPROVED BY: WRIGHT

PUGH, WRIGHT AND ASSOCIATES, INC.
Decatur, Alabama

DATE: APR., 2005

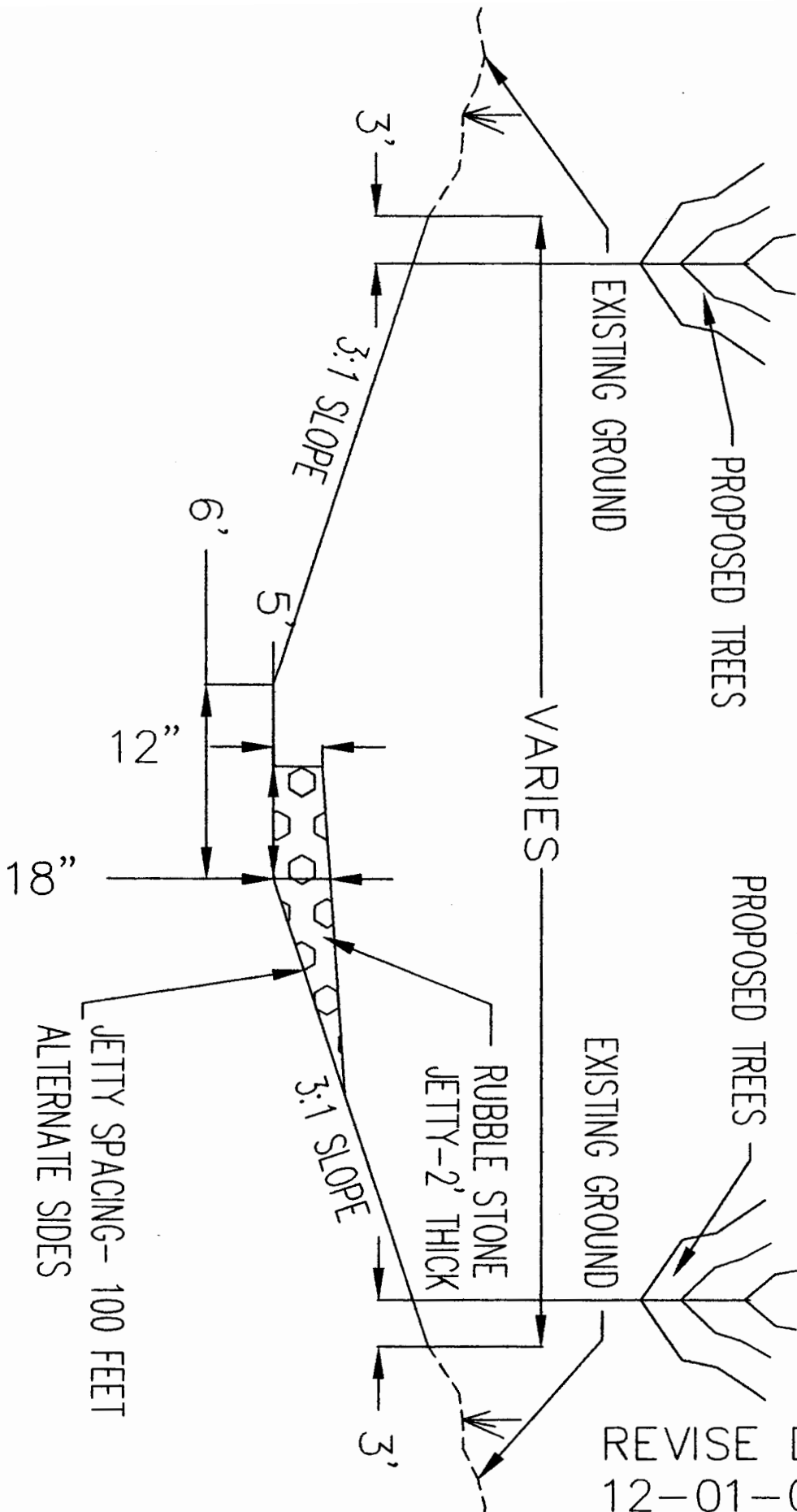
JOB NO: SK-51-05

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REVISE DATE:
12-01-05

SCALE: 1"=300'	PUGH, WRIGHT AND ASSOCIATES, INC.		
DRAWN BY: J.ROOKER	Decatur, Alabama		
APPROVED BY: WRIGHT	DATE: APR., 2005	JOB NO: 523-05	PAGE 2 OF 7



REVISE DATE:
12-01-05

File No. 200502232 and
200502428

PN 06-09

NOTE:

TREES ARE ON ALTERNATE
SIDES 60FT. SPACING EACH SIDE

TYPICAL SECTION

SCALE: NOT TO SCALE

DRAWN BY: J.ROOKER

APPROVED BY: WRIGHT

PUGH, WRIGHT AND ASSOCIATES, INC.
Decatur, Alabama

DATE: APR., 2005

JOB NO: SK-51-05

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